

SENATE BILL REPORT

SB 6011

As of February 25, 2009

Title: An act relating to the drug offense sentencing grid.

Brief Description: Adjusting the references to months in the drug offense sentencing grid.

Sponsors: Senators Kline and Hargrove; by request of Department of Corrections.

Brief History:

Committee Activity: Judiciary: 2/24/09.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: The drug offense sentencing grid contained in RCW 9.94A.517 was created in 2002 by HB 2338, and the drug grid was implemented in 2003. Drug offenses were removed from the main sentencing grid and a separate drug offense sentencing grid was created. As in the main sentencing grid, the presumptive standard sentence range of an offender using the drug grid is derived from the severity of the crime and the offender's criminal history. The offense seriousness level for drug offenses ranges from a low of 1 to a high of 3. The court may impose a sentence outside the standard sentence range for an offense if it finds there are substantial and compelling reasons justifying an exceptional sentence.

Summary of Bill: The standard sentence ranges for offenses that are ranked at seriousness level II or level I in the drug offense seriousness table are modified in the following ways. The standard sentence range for offenders with an offender score of 0 to 2 who commit a level II offense is 12+ to 15 months; with an offender score of 3 to 5, the standard sentence range is 15 to 45 months; and with an offender score of 6 to 9 or more, the standard sentence range is 45 to 90 months. The standard sentence range for offenders with an offender score of 0 to 2 who commit a level I offense is 0 to 4 months; with an offender score of 3 to 5, the standard sentence range is 4+ to 13 months; and with an offender score of 6 to 9, the range is 12+ to 18 months. The sentencing changes apply to offenders sentenced on or after July 1, 2009.

Appropriation: None.

Fiscal Note: Available.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: This bill will not drive people who would normally go to county jail to prison.

CON: Prison commitments have gone down since the drug grid was implemented. Level I offenders on the grid are possession crimes. The idea is to give judges sentences that will encourage people to go into drug court. Level II involves delivery offenses and it's important to give a long enough sentence so people have an incentive to go through drug treatment and also enough time to go through the Drug Offender Sentencing Alternative program. There are other ways to find savings. The Sentencing Guidelines Commission is looking at 2 percent, 5 percent, and 8 percent cuts to the general grid. Another possibility is adding 30 to 90 days to community custody for immediate savings.

OTHER: At some point there will be no incentive for people arrested for drug offenses to go to drug court and do the hard work involved with that. The sentences in this bill are too short. What should be considered is an across-the-board cut to all sentences of prisoners in the Department of Corrections (DOC), including violent and sex offenders, rather than these deep cuts to the drug offense sentencing grid. This is the group most likely to recidivate.

Persons Testifying: PRO: Scott Blonion, DOC.

CON: Russ Hauge, Kitsap County Prosecuting Attorney; Tom McBride, Washington Association of Prosecuting Attorneys.

OTHER: Don Pierce, Washington Association of Sheriffs & Police Chiefs.